United Nations A/HRC/27/22

General Assembly

Distr.: General
17 June 2014

Original: English

**Human Rights Council**
**Twenty-seventh session**
Agenda items 2 and 3
**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Birth registration and the right of everyone to recognition everywhere as a person before the law

## Report of the Office of the United Nations High Commissioner for Human Rights

*Summary*

The present report contains an overview of the global rates of birth registration, a universal human right recognized in a number of international instruments. It considers the consequences and impact of non-registration on human rights, particularly since the right to be registered at birth is closely linked to the realization of many other rights, such as the right to health and the right to education. It also analyses the barriers to access to birth registration, provides examples of good practices and makes a number of recommendations to ensure the universal implementation of this right.

GE.14-05391 (E)

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# I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to Council resolution 22/7, in which it requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report, in consultation with States, United Nations agencies, funds and programmes, non-governmental organizations and other relevant stakeholders, on legal, administrative, economic, physical and any other barriers to access to universal birth registration and possession of documentary proof of birth, as well as on good practices adopted by States in fulfilling their obligation to ensure birth registration, and to submit it to the Council at its twenty-seventh session.

2. OHCHR received contributions from States, intergovernmental organizations, national human rights institutions, non-governmental organizations and academia.[1]

# II. Birth registration: overview

3. Birth registration is a fundamental right, recognized by article 24, paragraph 2 of the International Covenant on Civil and Political Rights and article 7 of the Convention on the Rights of the Child. The fulfilment of the right to be registered at birth is closely linked to the realization of many other rights; socioeconomic rights, such as the right to health and the right to education, are at particular risk where birth registration is not systematically carried out, and the protection of children is jeopardized.

4. Birth registration is the continuous, permanent and universal recording within the civil registry of the occurrence and characteristics of birth, in accordance with the national legal requirements. It establishes the existence of a person under law, and lays the foundation for safeguarding civil, political, economic, social and cultural rights.[2] As such, it is a fundamental means of protecting the human rights of the individual.

5. On a procedural level, birth registration involves three interrelated processes. First, there must be the declaration of the occurrence of the birth to civil registrars. Second, once notified, civil registrars officially record the birth. Registration should include the individual's name, date and place of birth, as well as, where possible, the name, age or date of birth, place of usual residence and nationality of both parents. Third, the State issues a birth certificate, a personal document to attest birth registration and the most visible evidence of the State's legal recognition of the child. Whether this procedure is followed automatically after registration or requires another application depends on the country; it is vital, however, that this document is accessible easily and provided free of charge.

6. While the global rate of birth registration grew from approximately 58 to 65 per cent between 2000 and 2010, the United Nations Children's Fund (UNICEF) estimates that 230 million children under the age of 5 still have not been registered.[3] Non-registration is a particularly serious problem in developing countries, in sub-Saharan Africa, and in Asia; however, even in industrialized countries with high overall rates of birth registration, pockets of marginalized and disadvantaged groups who are not registered are often

[1] See also: www.ohchr.org/EN/Issues/Children/BirthRegistration/Pages/ReportOnBirthRegistration.aspx.

[2] See www.unicef.org/protection/57929_58010.html.

[3] UNICEF, *A Passport to Protection: A Guide to Birth Registration Programming*, December 2013 (available from www.refworld.org/pdfid/52b2e2bd4.pdf), pp. 6 and 11.

encountered. Furthermore, the quality of registration systems is also important, and should be accurate, efficient and permanent.

7. Birth registration should be part of a wider civil registration system that includes the free and universal recording of the occurrence and characteristics of key events – births, deaths, adoptions, marriages and divorces – and other civil status events pertaining to the population. These records are the main source of vital statistics; the complete coverage, accuracy and timeliness of civil registration is therefore essential, as is the confidentiality of personal data handled by the system. These two systems are interrelated and must be developed holistically; improvements in birth registration are rarely possible without the improvement of the civil registration system as a whole.[4]

## III. International legal framework

8. The right to birth registration and the right of everyone to recognition everywhere as a person before the law is a universal human right, first acknowledged in article 6 of the Universal Declaration of Human Rights and specifically recognized in article 24, paragraph 2 of the International Covenant on Civil and Political Rights, which states that every child shall be registered immediately after birth. In its general comment No. 17 on the rights of the child,[5] the Human Rights Committee stated that article 24, paragraph 2 should be interpreted as being closely linked to the right to special measures of protection, and that the main purpose of the obligation to register children after birth is to reduce the danger of abduction, sale of or traffic in children, or of other types of treatment that are incompatible with the enjoyment of the rights provided for in the Covenant.

9. The Convention on the Rights of the Child reinforces the fundamental importance of the right to birth registration in its article 7, which states that the child should be registered immediately after birth and have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. It further provides for States parties to ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

10. All rights under the Convention on the Rights of the Child, including article 7, must be in full conformity with the general principles of the Convention, namely non-discrimination, the best interests of the child, the right to life, survival and development and the right of the child to express his or her views.

11. In the context of birth registration, non-discrimination implies that States must ensure that access to registration is not undermined by discrimination of any kind, including on the basis of the child's – or the child's parent's or legal guardian's – race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. All children should have access to birth registration in the country where they are born, including non-nationals, asylum seekers, refugees and stateless children.[6]

12. The importance of birth registration in a child's life and the impact of non-registration on the enjoyment of the rights of the child are acknowledged regularly by the

[4] Ibid., p. 21.

[5] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 40* (A/44/40), annex VI, para. 7.

[6] Rached Hodgkin and Peter Newell, *Implementation Handbook for the Convention on the Rights of the Child*, (UNICEF, 2007), p. 97.

Committee on the Rights of the Child, in its general comments No. 3 (HIV/AIDS),[7] No. 6 (treatment of unaccompanied and separated children),[8] No. 7 (early childhood),[9] No. 9 (children with disabilities),[10] No. 10 (juvenile justice),[11] No. 11 (indigenous children),[12] No. 13 (right to freedom from all forms of violence)[13] and No. 15 (right of the child to health).[14]

13. As described by the Committee on the Rights of the Child in its general comment No. 7, children who are not registered may be denied basic rights, such as health, education and social welfare. It therefore recommended that States take all necessary measures to ensure that all children are registered at birth, which can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. The Committee added that an effective system must be flexible and responsive to the circumstances of families, and reminded States of the importance of facilitating late registration of birth and ensuring that children who have not been registered have equal access to health care, protection, education and other social services. In its general comment No. 13, the Committee adopted a progressive view, clearly indicating that the lack of birth registration can be a form of neglect and of negligent treatment when those responsible for the child's care have the means, knowledge and access to services to do so.

14. The most recent international human rights instruments all contain provisions relating to birth registration, including article 29 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and article 18 the Convention on the Rights of Persons with Disabilities.

15. The right to birth registration is not restricted to human rights law; indeed, it is intrinsically connected to issues arising in both international refugee law and international humanitarian law.[15] In this regard, the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR) has consistently raised the issue of birth registration of refugees, asylum seekers and stateless persons in its Conclusions on International Protection, nine of which include specific recommendations on birth registration and the right to identity. In October 2013, the Executive Committee adopted a Conclusion on International Protection that specifically focused on civil registration. The Conclusion, in which the Executive Committee encouraged States to ensure that every child is registered immediately after birth without discrimination of any kind, is a milestone document that sets up a framework of action for the protection of the rights of refugees, asylum seekers and stateless persons. UNHCR has furthermore made birth registration a global strategic priority. The *Framework for the Protection of Children*, issued by UNHCR in 2012,[16] also includes a specific objective to ensure girls and boys obtain legal documentation, including birth certificates, in a non-discriminatory manner (Goal 4).

16. At the intergovernmental level, both the General Assembly and the Human Rights Council have been particularly influential in highlighting the importance of universal birth registration. The Assembly has included the issues of birth registration and preservation of identity in at least one resolution every year since 2001. In its resolutions, the Assembly

[7] CRC/GC/2003/3.
[8] CRC/GC/2005/6.
[9] CRC/C/GC/7/Rev.1.
[10] CRC/C/GC/9 and Corr.1.
[11] CRC/C/GC/10.
[12] CRC/C/GC/11.
[13] CRC/C/GC/13.
[14] CRC/C/GC/15.
[15] See the Convention on the Reduction of Statelessness, arts. 1-6, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 50.
[16] Available from www.refworld.org/docid/4fe875682.html.

consistently urged States to intensify their efforts in order to ensure the implementation of the right of the child to birth registration as recognized by law. The Human Rights Council has also addressed the issue of birth registration in thematic resolutions, including on migration, the rights of the child, arbitrary deprivation of nationality and the fight against sexual violence against children.

# IV. Impact of non-registration on human rights

17. The right to birth registration is not only a right of the child but of all human beings. Birth registration, and more especially a birth certificate, is a life-long passport for the recognition of rights, which may be necessary to, inter alia, vote, marry or secure formal employment. In some countries, it may be needed to obtain a driver's licence, to open a bank account, to have access to social security or a pension, to obtain insurance or a line of credit, and, significantly, to be able to register one's own children. It is also vitally important for securing inheritance and property rights, particularly for women and within families. A recent country-specific study suggests that further research is needed to evaluate fully the link between access to services and birth registration.[17]

18. The right to birth registration is closely linked to the realization of many other rights, and has profound consequences for children's enjoyment of their rights with regard to protection, nationality, access to social and health services, and education. In particular, inequality in birth registration rates may compound inequalities in access to basic services,[18] besides heightening discrimination and vulnerability. An effective civil registration and statistics system is therefore an important first step to ensuring the protection of children.

## A. Right to education

19. Birth registration can have a fundamental impact on the right to education for children. The Committee on the Rights of the Child has, on numerous occasions, expressed concern at cases of children without a birth certificate being refused schooling, in violation of their right to education under article 28 of the Convention on the Rights of the Child. Furthermore, in some countries, while children are permitted to attend primary school without evidence of birth registration, a certificate is required to be able to take the final school examinations and thus to receive relevant academic qualifications or to progress to secondary school. Access to educational scholarships, free books and uniforms also often depend on the presentation of a birth certificate.[19]

20. While some States have argued that the requirement for registration to attend school reinforces both education and demand for registration, the relationship between these services is ambiguous; such requirements can even have a negative impact if birth registration is not universally accessible.[20] Under the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, States have an obligation to ensure compulsory and free primary education for all. In its general comment

[17] Plan International, Birth Registration and Children's Rights: A Complex Story, May 2014. Available from http://plan-international.org/about-plan/resources/publications/campaigns/birth-registration-research/.

[18] UNICEF, *A Passport to Protection* (see footnote 3), p. 20.

[19] Plan International, *Count Every Child: The Right to Birth Registration*, 2009 (available from http://plan-international.org/about-plan/resources/publications/campaigns/count-every-child/), p. 19.

[20] UNICEF, *A Passport to Protection* (see footnote 3).

No. 11, the Committee on Economic, Social and Cultural Rights defined "compulsory" as meaning that no one, including the State, is entitled to treat as optional the decision of whether a child should have access to primary education.[21] Both above-mentioned treaties also prohibit discrimination based on birth. Making birth registration a prerequisite for enrolment into or completion of primary education would therefore not be in compliance with the right to education guaranteed under these treaties.

## B. Right to health

21. According to the World Health Organization, of the 6.6 million children who died before their fifth birthday in 2012, almost half died of infectious causes, nearly all of which were preventable.[22] These children may be harder to reach for health-care workers and overlooked in public health planning. Furthermore, in some countries, they may not have access to immunization or other health-care programmes. OHCHR noted a correlation between children who are registered and those who are fully vaccinated, receive vitamin A supplementation, and/or are taken to a health-care professional when they are ill.[23]

22. In its general comment No. 3, the Committee on the Rights of the Child emphasized the critical implications of proof of identity for children affected by HIV/AIDS, including in safeguarding their rights to inheritance, education, health and other social services. According to the Committee, birth registration is necessary to minimize the impact of HIV/AIDS on the lives and human rights of affected children, and in particular to protect children from abuse and exploitation, especially where they have been separated from their family as a result of the disease.[24]

## C. Statelessness, nationality and citizenship

23. Birth registration is fundamental to the prevention of statelessness. Not all children born without birth registration are stateless; but for those born in certain situations (for example, to parents from different countries, in a migratory setting, to refugee or asylum seeker parents or in border areas), lack of birth registration can cause statelessness.[25]

24. While birth registration does not in itself confer citizenship on a child, it is essential to ensure the right of every child to acquire a nationality, as it constitutes an important form of proof of the link between an individual and the State. It documents where a child was born and who the child's parents are, thus providing important evidence of whether a child can acquire citizenship on the basis of place of birth (*jus soli*) or of descent (*jus sanguinis*).[26]

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[21] E/C.12/1999/4, para. 6.

[22] WHO, "Children: reducing mortality", Fact sheet No. 178, September 2013, available from www.who.int/mediacentre/factsheets/fs178/en/.

[23] A/HRC/22/31, para. 81.

[24] CRC/GC/2003/3, para. 32.

[25] UNHCR and Plan International, *Under the Radar and Under Protected*, 2012 (available from http://plan-international.org/about-plan/resources/publications/campaigns/under-the-radar-and-under-protected/), p. 5.

[26] Ibid. See also UNICEF, *A Passport to Protection* (see footnote 3), p. 12.

## D. Child labour

25. Birth registration also plays a vital role in the protection of children from child labour. The International Labour Organization estimates that more than 168 million children are in child labour, of which 85 million are in hazardous work or work that is likely to harm their health, safety or morals, and which should be prohibited for anyone under the age of 18.[27] While legislation setting legal minimum age for employment is important, it will have little effect if the means to prove the age of the child are not available. As such, birth registration and the accessibility of a birth certificate are prerequisite conditions for the effective prevention and elimination of child labour, including in its worst forms.

26. In some countries, a birth certificate is required to obtain a social security number necessary for working in the formal sector, meaning that all individuals – whether adults or children – without birth registration or access to a birth certificate are marginalized to the informal sector, where there is less scrutiny and a greater risk of exploitation and hazardous work.[28] Furthermore, in some States, employers exploit the lack of birth registration to hire children as cheap labourers, knowing that they will have little recourse before the law.[29]

## E. Children in conflict with the law

27. Birth registration is particularly important for children in conflict with the law. Article 40 of the Convention on the Rights of the Child provides these children with special protection, including the protection against prosecution as an adult, while article 37, paragraph c includes the right not to be detained with adults. Neither of these rights can be effectively safeguarded without proof of age.

28. The importance of birth registration was set out by the Committee on the Rights of the Child in its general comment No. 10 (juvenile justice), which clarified that a child without a provable date of birth is extremely vulnerable to all kinds of abuse and injustice in relation to the juvenile justice and penal system.[30] The need to ensure birth registration to secure children's rights and safeguards to prevent and protect children from violence within the juvenile justice system was also established by OHCHR, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children in their joint report on the prevention of and responses to violence against children within the juvenile justice system.[31]

## F. Early and forced marriage

29. Birth registration can also contribute to the elimination and prevention of the practice of early and forced marriage. The Committee on the Elimination of Discrimination against Women and other treaty bodies require States to register births and marriages as a means to facilitate monitoring of the age of marriage and to support the effective implementation and enforcement of laws on the minimum age of marriage.[32]

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[27] See ILO, "Child Labour", at www.ilo.org/global/topics/child-labour/lang--en/index.htm.

[28] Plan International, *Count Every Child* (see footnote 19), p. 20.

[29] Ibid., p. 21.

[30] CRC/C/GC/10, para. 39.

[31] A/HRC/21/25, para. 67.

[32] See A/HRC/26/22.

## G. Human trafficking

30. Individuals without birth registration or a birth certificate who wish to migrate are especially vulnerable to smuggling and trafficking. An individual without legal identity documents has to travel by illegal means and is more likely to have to rely on illicit intermediaries to facilitate migration.[33] They are therefore at greater risk of trafficking and exploitation.

31. Furthermore, children who have not been registered are particularly vulnerable to child traffickers whether or not they are in a migration situation. The legal invisibility of unregistered children makes it more likely that their disappearance and exploitation will go unnoticed by authorities. This is particularly the case where the trafficking occurs across international borders; there is no proof of the child's existence, so national authorities may be unwilling or unable to pursue the matter.[34]

## H. Sale of children

32. Children without birth registration have been shown to be particularly vulnerable to exploitation in the area of illegal adoption and the sale of children. In certain countries, the illegal procurement, buying and selling of children for intercountry adoption was made possible through the falsification of documents and the production of false birth certificates. Children whose births are not registered are particularly targeted. In her recent report to the General Assembly, the Special Rapporteur on the sale of children, child prostitution and child pornography stated that children whose birth had been registered were less likely to be sold or illegally adopted, in part because they had proof of who their parents were.[35]

## I. Armed conflict and emergency situations

33. Despite the prohibition of the involvement of children in armed conflict under the Optional Protocol to the Convention on the Rights of the Child, it is estimated that there are 250,000 child soldiers active in the world today.[36] The importance of birth registration can be seen in both the prevention of recruitment and of early conscription (for example, article 3, paragraph 3 (d) of the Optional Protocol requires voluntary recruits to provide reliable proof of age prior to acceptance) but also in protecting children's rights after they have been rescued from this form of exploitation.

34. Where children have been exploited in armed conflict, birth registration is vital to ensure that they have effective access to justice, as successful prosecution requires proof that the individual was indeed a child at the time of recruitment. Furthermore, birth registration is of great importance in the reunification and reintegration process; where children are not registered, it is difficult to re-establish their identity and return them to their homes.[37]

35. The importance of birth registration is also manifest during and in the aftermath of emergency situations. In such situations, the separation of children from their parents and

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[33] Plan International, *Count Every Child* (see footnote 19), p. 22.

[34] UNICEF, *Birth Registration: Right from the Start*, Innocenti Digest No. 9, March 2002 (available from www.childinfo.org/files/birthregistration_Digestenglish.pdf), p. 5.

[35] A/66/228, para. 31 (a).

[36] War Child, "Child Soldiers" (available from www.warchild.org.uk/issues/child-soldiers).

[37] Plan International, *Count Every Child* (see footnote 19), p. 21.

communities is common, and non-registration can be a significant barrier to family tracing and reunification. Reuniting children with family members in emergency situations is the best way to provide children with safety, security and care; without a birth certificate or other form of identification, however, this process can be exceedingly difficult, especially for young children.[38]

## V. Good governance

36. To protect the rights of all individuals, birth registration must be part of a comprehensive civil registration system that is continuous, permanent, compulsory and universal.[39] Civil records must be kept in a form that cannot easily be destroyed. Furthermore, retrieval of records should be possible for persons at any stage of their life.

37. The security of the civil registration and vital statistics system, and of the birth certificate that is issued as proof of registration, is also vital. The birth certificate is often a "breeder" document for other forms of identification, including identity papers, passports, driver's licences and voter registration cards.Unlike these documents, however, it is not tied to the individual by a photograph or biometric data. The use of fraudulent birth certificates to obtain genuine identification documents under a false name or age is increasing, and poses a threat to national and international security.[40]

38. While birth registration within such a system is a fundamental human right, its impact goes beyond the individual to have vital importance for the State, and a profound effect on governance at the national and international levels in improving services and ensuring accountability.

39. The demographic information provided by a comprehensive civil registration system, including birth registration, is crucial for government planning and decision-making, as well as for the monitoring of programmes for children, families and the broader community. Accurate information gives the State the ability to not only track, counter and prevent abuse against individuals but also to plan service provision for children and their caregivers and to evaluate the impact of policies; for example, it can permit the Government to plan the construction of adequate numbers of schools and to train a sufficient number of nurses and doctors in specialist areas to treat the needs of the population.

40. This aspect is particularly important for minority groups, as birth registration provides a more accurate measurement of child health and more accurate health statistics in high-risk populations.[41] In fact, UNICEF found that, when lack of birth and death registration is concentrated among population groups at high risk (such as minority groups, indigenous populations, and families living in slums), child mortality may be systematically underestimated.[42] In this respect, birth registration must be universal. Where coverage is not complete, data from registration are skewed towards those with a higher income and with

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[38] Innocenti Insight, *Birth Registration and Armed Conflict*, UNICEF, 2007, p. vii. See also A/HRC/19/63.

[39] UNICEF, *A Passport to Protection* (see footnote 3), p. 22.

[40] Ibid., p. 48.

[41] Mariana Muzzi, "UNICEF good practices in integrating birth registration into health systems (2000-2009)", January 2010 (available from: www.unicef.org/protection/Birth_Registration_Working_Paper(2).pdf), p. iv.

[42] Ibid., p. 11.

better education, and towards urban populations (as those who are overrepresented among those who are registered).[43]

41. Birth registration can also serve as the backbone of an electronic administration system, thus help to improve monitoring, planning and service delivery across a wide range of governmental services.[44] Its importance for the State indeed cannot be underestimated, and the advantages of this will trickle down to individuals.

42. In addition, birth registration plays a key role in fostering democratic processes, as it is a vital link in establishing nationality, and thus conferring on the individual the rights and responsibilities of citizenship. The provision of a free and universal legal identity through birth registration was highlighted as a crucial element of ensuring good governance and effective institutions by the High-level Panel Secretary-General's of Eminent Persons on the Post-2015 Development Agenda. The Panel considered that providing citizens with a legal identity is one of the most basic institutional responsibilities of a Government, which requires universal birth registration.[45]

43. Given that electoral roles are often compiled from the civil register, the transparency and credibility of voting and the prevention of electoral fraud depend on accurate data on births and deaths.[46] Registration goes beyond the right to vote, however, and extends to the possibility of standing for electoral office and of taking an active role in political life.

# VI. Implementation challenges

## A. Political and legal challenges

44. Birth registration thus has both legal and statistical functions for States and individuals. Many countries, however, are yet to recognize this dual role and the intrinsic links between a functioning civil registration system and social and economic development, day-to-day governance and human rights.[47]

45. In many circumstances, civil registration laws have not been revised for many years, and outdated laws and procedures inherited from the past are still in place. The rationales and objectives of registration laws therefore do not always reflect social and cultural realities of the country.[48]

46. Another difficulty lies in the way in which civil registration has been previously used as a source of information to manage the population, an instrument to control the free movement of citizens. Similarly, in areas where there has been ethnic conflict, civil records have at times been used to engage in persecution. These historical circumstances may affect the willingness of parents to interact with official institutions and therefore to register their children.

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[43] UNICEF, *A Passport to Protection* (see footnote 3), p. 24.

[44] Mariana Muzzi, "UNICEF Good Practices" (see footnote 41), p. iv.

[45] High-level Panel of Eminent Persons on the Post-2015 Development Agenda, *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, 2013, p. 50.

[46] UNICEF, *Birth Registration* (see footnote 34), p. 7.

[47] Economic Commission for Africa, Reforming and Improving Civil Registration and Vital Statistics Systems in Africa (E/ECA/CMRCR/2/EXP/4), para. 18.

[48] UNICEF, *A Passport to Protection* (see footnote 3), p. 36.

47. It is important that States nurture the trust of the public, reassuring it that civil registration will bring benefits to them, and not be misused as an instrument for repression.[49] Confidentiality is vital to an effectively functioning system, and it is crucial that the States demonstrate that it is worthy of being trusted with this information.

### 1. Budgets

48. Small budgets and competing demands may make it difficult for Governments to treat birth registration with the priority that it deserves. This can lead to underresourcing and a lack of personnel and facilities to manage the registration system.

49. It is important to note, however, that a country can realize a high birth registration rate even with a low level of per capita income. In countries with an income of above $6,000 per capita, it is likely that the birth registration rate will be above 90 per cent. In countries with an income below that level, the relationship between income and birth registration rate is less clear; some countries have complete coverage, while others still have a very low rate.[50]

50. Clear budgetary allocation is of particular importance, especially in countries with a decentralized civil registration system, where while the national authority has technical responsibility, local registration officials depend, administratively and financially, on local authorities.[51]

51. Furthermore, it is important that public funding is allocated to birth registration, and that the State not simply rely on foreign funds or external funding sources. Government ownership with a budgetary commitment for birth registration as part of the overarching civil registration system is the only means to ensure sustainability.

### 2. Resources

52. In many cases, economic barriers due to a lack of State resources allocated to birth registration can in turn lead to institutional barriers. A lack of registration supplies, such as registration books, paper for standardized forms, and pens for signing the register, have all been noted as reasons for non-registration in various countries.

53. Human resources are also a significant problem. Many States do not have sufficient human resources to carry out registration, or have personnel that are poorly trained and do not know their duties. Poor working conditions and lack of appropriate staff support can lead to inaccurate registration records and, more worryingly, corruption and fraud. Furthermore, civil registration is often simply one task of many that officials are required to perform; where pay is low, it may be also seen as an added burden and consequently given low priority.[52]

## B. Information and awareness-raising

54. The provision of information to the community and social awareness of birth registration are among the most valuable tools in encouraging birth registration. In many communities, registration is seen as little more than a legal formality, and neglected for

[49] UNICEF, *Strengthening Birth Registration in Africa: Opportunities and Partnerships*, 2010 (available from www.unicef.org/esaro/Technical_paper_low_res_.pdf), p. 14.
[50] Ibid, p. 36.
[51] UNICEF, *A Passport to Protection* (see footnote 3), p. 91.
[52] UNICEF, *Birth Registration* (see footnote 34), p. 13.

other problems that are more immediate and tangible.[53] Often parents are unaware of their right to register their child and of its importance until they find themselves in a situation where they need proof of identity, such as when seeking access to schooling or health services.[54]

55. This is a fundamental problem that many countries are working hard to address. While top-down approaches to mandating birth registration can be useful, it is vital that they are combined with a wider recognition among communities of the importance of this issue; greater demand for such services will put pressure on the Government to improve its systems and to provide universal access. Awareness-raising is an ongoing process, not simply a one-off activity.

## C. Accessibility

56. Social awareness of the importance of birth registration is of little value without measures to facilitate access to this right. In many countries, geographical obstacles are the most persistent challenges to achieving high levels of birth registration. This is the case in countries where the majority of the population live in rural areas, with the bulk of public services being provided in a few major towns. This is highlighted by the differentials in urban and rural registration rates: globally, children living in urban areas are one and a half times more likely to be registered than children living in rural areas.[55]

57. Accessibility of registration depends not only on location but also on infrastructure and the availability of public transport.[56] The cost of travelling a long distance to register a child may be not only a financial burden but also have opportunity costs, such as the time spent away from work to make the journey. In addition, in many countries, the complex procedure requires multiple visits, creating an additional obstacle to birth registration for populations who are located in remote areas.

58. The proliferation of registration offices is not, however, necessarily advantageous. Proximity of service to the population is important, but it must be balanced against the financial cost of establishing numerous registration offices that are not feasible because of their minimal workload. Other solutions must therefore be sought for service delivery; for example, interoperability with existing services, such as health and education, and the use of new technology for vital event notification.[57]

59. Registration must not only be physically accessible, but socially accessible too. Materials concerning registration must be provided in local and minority languages. Furthermore, the information must also be presented in a form that is comprehensible, and the forms to be filled in simple enough to ensure that those with low literacy levels can understand them. Information in an easily accessible form is not only important at the time of registration, but also when conducting awareness-raising programmes.

60. Excessive documentation requirements is another obstacle to registration. In many countries, birth registration requires a child's parents to produce a set of documents, such as their own identity documents, birth registration documents and/or documents issued by

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[53] Ibid., p. 12.

[54] See UNICEF, *Every Child's Birth Right: Inequalities and trends in birth registration*, 2013 (available at www.unicef.org/media/files/Embargoed_11_Dec_Birth_Registration_report_low_res.pdf), p. 20.

[55] Ibid., p. 23.

[56] UNICEF, *The 'Rights' Start to Life: A Statistical Analysis of Birth Registration*, 2005 (available from www.unicef.org/publications/files/R55BirthReg10a.pdf), p. 6.

[57] UNICEF, *A Passport to Protection* (see footnote 3), p. 88.

other authorities or entities. In certain cases, documentation of grandparents of the child may also be required. Obtaining these documents can be exceedingly difficult or impossible, in particular where there is a low level of birth registration and documentation within the general population or a specific group, such as in the case of a minority population. As a result, flexible rules of proof are required.

## D. Costs

61. In many countries, the cost of birth registration is prohibitively expensive for most families. Costs can be incurred by direct payments for registration or the birth certificate, or indirect costs for travel and opportunity costs, as discussed above.[58] Unfortunately, while some of these direct costs are official, others are imposed illegally by registrars in an attempt to extort more money from families, a problem that is more difficult to fight.[59] In addition, some countries also impose fees or fines if registration is delayed or late. This may discourage registration for a child once the initial period for registration has passed.

62. Children from the poorest households are twice as likely to be unregistered as those from the richest.[60] This is particularly unfortunate, given that birth registration is one of the most powerful instruments to ensure equal access for children over a broad range of services, while non-registration will only exacerbate their poverty and prolong their marginalization.[61]

## E. Discrimination

63. In many countries, parents are required to present their own identity documents in order to be able to register their child. In cases where the parents themselves have not been registered or are illegal migrants, this may prevent their children from having access to their rights, perpetuating marginalization. In addition, such parents may fear approaching the authorities to register their children as reporting may lead to their own detection by the authorities.[62]

64. Some States refuse to register the children of non-citizens, in particular when they do not have permanent residence, or are refugees or asylum seekers. This is problematic, given that, in addition to the difficulties experienced by all children without a birth certificate, children of non-citizens, and in particular refugee and asylum seeker children, face particular challenges when they seek to acquire proof of nationality, and face a heightened risk of being left stateless (see para. 23-24 above).

65. Registration has important benefits for the host country, as it improves State administration and provides information about the refugee and asylum seeker population. Furthermore, in the medium to long term, a birth certificate can assist in the durable return of refugees to their areas of origin.[63] It can also facilitate repatriation, prove lineage and assist families in reclaiming property upon return.

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[58] UNICEF, *The 'Rights' Start to Life* (see footnote 56), p. 23.

[59] UNICEF *Birth Registration* (see footnote 34), p. 13.

[60] UNICEF, *Progress for Children: Achieving the MDGs with Equity*, No. 9, September 2010 (available from www.unicef.org/publications/files/Progress_for_Children-No.9_EN_081710.pdf), p. 45.

[61] UNICEF, *Birth Registration* (see footnote 34), p. 1.

[62] Contribution from Platform for International Cooperation on Undocumented Migrants.

[63] See UNHCR, Conclusion on civil registration, 17 October 2013, No.111(LXIV)-2013.

66. Lack of birth registration and therefore of official statistics can lead to an underestimation of marginalized groups and therefore diminish their visibility.[64] Non-registration may stem from a deliberate policy or simply a lack of political will to change the situation, but can also be caused by less overt obstacles, such as illiteracy and language barriers, which prevent families from gaining access to information about birth registration procedures and requirements, and its benefits.

### 1. Children with disabilities

67. Birth registration is recognized as a right for all children with disabilities under the Convention on the Rights of Persons with Disabilities. The Committee on the Rights of the Child has highlighted this issue, and made clear that all children should be registered at birth, including those with disabilities, without discrimination of any kind, as required under article 2 of the Convention on the Rights of the Child.[65] Unfortunately, children with disabilities are often overrepresented among those who are not registered at birth.

68. The non-registration of children with disabilities is often due to the families themselves. The reluctance of parents of children with disabilities to register them renders the children invisible to social services, health-care workers and educational facilities.[66] In its general comment No. 9, the Committee on the Rights of the Child noted that children with disabilities not registered at birth are at a greater risk of neglect, institutionalization, and even death.[67]

### 2. Gender discrimination

69. Although differences in rates of civil registration by sex are minimal, discrimination is seen in countries that allow only the most senior male household member to register a child's birth, or refuse to register a child at all without the presence of the father or of both parents. Such laws discriminate against mothers, and may result in children not being registered owing to the lack of the father's consent or because the child was born out of wedlock.[68] Children born out of rape, for instance, cannot be registered; thus, a woman who has survived sexual violence is revictimized. Furthermore, some gender-neutral laws, while not specifically prohibiting a mother from registering her child, make it difficult or impossible for her to do so as a result of indirect discrimination and cultural practices.[69] This is particularly the case where a child is born out of wedlock, and a single mother might be reluctant to approach the authorities out of shame and the stigma attached.

70. Discrimination against women can also be seen in countries where a woman is legally incapable of conferring her nationality to her child. In such circumstances, if the father does not acknowledge the child, there is a high risk that the child will be left stateless.[70]

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[64] UNICEF, *Birth Registration* (see footnote 34), p. 13.

[65] CRC/C/GC/7/Rev.1, para. 25.

[66] UNICEF, *Promoting the Rights of Children with Disabilities*, Innocenti Digest No. 13, 2007 (available from www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf), p. 4.

[67] CRC/C/GC/9, para. 36.

[68] Plan International, *Mother to Child: How Discrimination Prevents Women Registering the Birth of their Child*, March 2012 (available from https://plan-international.org/files/global/publications/campaigns/mother-to-child-how-discrimination-english), p. 9.

[69] Ibid., p. 6.

[70] Contribution received from University of Western Cape, South Africa, available from www.ohchr.org/EN/Issues/Children/BirthRegistration/Pages/Contributions.aspx.

### F. Registration in emergency situations

71. Armed conflict, natural disasters and other emergency situations can have a significant effect on birth registration rates. In many cases, such situations lead to the disruption of civil registration officers and therefore of public services, and can exacerbate already existing obstacles, such as legal barriers, lack of financial and human resources and distance from registration centres.[71] Furthermore, the displacement of the population within and across State boundaries can cause difficulties not only for registration but also for the retrieval of documents.

72. There is also the danger that birth records may be destroyed as a result of the emergency situation, which is particularly problematic when there is no digital system in place. In this case, it is not only present birth registrations that are threatened, but past ones as well.

## VII. Examples of good practices

73. Good birth registration practices must be approached with consideration of specific contextual factors pertaining to the specific social, cultural, legal and governance structures of the country. The same practice in another country or context could have very different implications. For this reason, the examples cited below should always be seen in their local context.

74. In Mali, a citizen's guide to birth registration has been issued in five languages (French, Bamanankan, Fulfulde, Sonrai and Tamasheq). In order to ensure that those who were illiterate could benefit from the guide, more than 1,000 audio copies and 600 video copies have also been distributed.[72]

75. In Iraq, an information campaign has been launched, and 20,000 copies of a brochure on birth registration have been distributed to refugees. An information video (available fromhttp://youtu.be/ZvtSIAMXx9U) is currently being shown in all camps, UNHCR implementing partners offices and registration offices.

76. In the Sekameng area of Mafeteng District in Lesotho, World Vision met with officers from the Departments of Home Affairs and Social Welfare, leaders and community members to discuss child protection issues. As a result, a plan of action was drawn up under which local church leaders agreed to give awareness-raising sermons on birth registration at least once a month for three months, to facilitate the registration of names of children in need of birth certificates on dedicated days, and to submit the list of names for forwarding to the Department of Home Affairs.[73]

77. The Minimbah Project, established by a group of university students at the University of New England (Australia), involves a volunteer team that holds birth registration days in local primary schools in order to raise community awareness of the importance of birth registration. Children whose births have not been registered are therefore given the opportunity to register for a birth certificate.[74]

78. In Nicaragua, the Ministry of the Family, in coordination with the Cabinet for Family, Community and Life, runs a campaign whereby representatives make house-to-

[71] Innocenti Research Centre, Birth Registration and Armed Conflict (2007) 2

[72] Plan International, *Count Every Child* (see footnote 19), p. 38.

[73] Contribution received from World Vision.

[74] Contribution from UNICEF Australia.

house visits to locate children under one year of age who are not registered, and then to register them.[75]

79. In Brunei Darussalam, "Flying Doctor Teams" use helicopters to reach remote communities and, as part of their work, to ensure registration of births of children as well as providing medical services.[76]

80. In Cambodia, a national mobile registration campaign was started on 1 October 2004. To facilitate the implementation of the campaign, Cambodia amended some provisions of the Sub-decree on Civil Registration in 2004 to remove the requirement of a court judgement for late birth registration. More than 13,000 mobile team members, including civil registration officers, were trained. As a result of the campaign, more than 90 per cent of the population acquired birth registration (some 11.7 million people have had their birth registered during 2006.[77]

81. In 2013, a new birth registration system was tested in the Mbeya region of the United Republic of Tanzania using the transmission of data to a centralized system via text messaging (SMS). The system is not dependent on any handset or operating system, and requires no Internet connectivity; all that is needed is mobile telephone coverage and a server to receive the data. Before the start of the campaign, approximately 90 per cent of children under the age of 5 in the region were not registered; three months later, only 29 per cent were not.[78]

# VIII. Going forward

82. **The universal implementation of the right to birth registration for all is fundamental to the protection of children and the full implementation of their universal human rights. Registration establishes the legal existence of an individual; its absence has lifelong consequences.**

83. **Birth registration is essential for compiling vital statistics that are needed to develop policies and implement services. The demographic data provided by this act can help to keep track of the population and provide information that can identify areas of improvement. This is particularly important in such areas as child mortality, maternal health and gender equality.**

84. **One of the most basic institutional responsibilities of a Government is to provide a person with a legal identity; this is central to good governance. Functioning civil registration and vital statistics systems therefore have crucial importance in the post-2015 development agenda.**

85. **While noting that efforts have been made by States at different levels to ensure birth registration, there is still a long way to go before this right is accessible to all. In developing a permanent and sustainable civil registration and vital statistics system, in accordance with human rights standards, it is fundamental that States:**

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[75] Contribution from Defensa de los Derechos Humanos, Nicaragua.

[76] Draft discussion paper distributed to participants at the Regional Workshop of National Registrars on Best Practices in Birth Registration, co-hosted by the ASEAN Intergovernmental Commission on Human Rights (AICHR) and UNHCR in Bangkok on 7 December 2012.

[77] Good practices identified by the delegate of Cambodia at the Regional Workshop of National Registrars on Best Practices in Birth Registration (see ibid.). See also Plan International, *Count Every Child* (see footnote 19), p. 45.

[78] UNICEF, *A Passport to Protection* (see footnote 3), p. 92.

(a) **Ensure that birth registration is accessible to all without discrimination of any kind, including on the basis of the child's, or the child's parents', immigration status, social origin, sex, ethnicity, language, disability or birth out of wedlock; this is essential for children and families living in an irregular migration situation, for refugees and for asylum seekers, as well as for children belonging to marginalized groups;**

(b) **Improve access to registration for individuals living in rural areas, including by taking advantage of the most recent advances in information technology and innovative technical solutions to improve birth registration and civil registration and vital statistics systems;**

(c) **Adopt simplified administrative procedures that allow flexibility in birth registration requirements to ensure that individuals are not denied registration;**

(d) **Review laws and administrative regulations that impose a fee on birth registration or impose penalties for late or delayed registration. Registration should be completely free of charge, and measures should be taken to ensure the registration of older children and unregistered adults, in an integrated, inclusive and protective approach;**

(e). **Carry out a comprehensive assessment of their existing civil registration and vital statistics system, including by monitoring and measuring its functionality and alignment with human rights standards and principles; this should be done with a view to developing a coherent strategy to achieve universal birth registration that details budgetary responsibilities, and allocates sufficient human and financial resources to the civil registration and vital statistics system. Staff should be adequately trained to apply a child-sensitive and rights-based approach, which takes account of specific vulnerabilities of children, and complies fully with the obligations of States under the Convention on the Rights of the Child and other international and regional human rights instruments;**

(f) **Ensure that responsibilities and accountabilities between key stakeholders working on birth registration, as well as civil registration and vital statistics, have aligned mandates and work in a coordinated manner. Actions should also be taken to remove existing obstacles to the effective administration of civil registration and vital statistics systems around which donors and development partners can align their support. Strategies aimed at improving such systems should be innovative and consider the use of technology, where appropriate. States should ensure that practitioners engage and partner with relevant stakeholders, including technology providers, to seek solutions that meet the needs of national civil registration and vital statistics systems, in accordance with international human rights standards;**

(g) **Participate in regional government initiatives to improve the operation of the civil registry;**

(h) **Consider the interoperability between birth registration and existing services and structures, such as health and education, to allow registration as close as possible to the population.**

(i) **Mobilize communities, in collaboration with other stakeholders, to raise awareness of the importance of birth registration, particularly among marginalized groups. The help of respected community members, such as religious leaders, village elders and locally elected councillors, should be considered, allowing communities to find their own solutions, and thus make the process more sustainable in the long term. Authorities should draw on pre-existing community structures and leaderships to**

**provide a sense of ownership within the community, and ensure that awareness of the benefits of birth registration is raised.**